

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WILLIAM JAMES COKE SR.,

Plaintiff,

-against-

CARL J. KOENINGSMAN, et al.,

Defendants.

19-CV-10038 (PMH)

ORDER

PHILIP M. HALPERN, United States District Judge:

Plaintiff, proceeding *pro se* and *in forma pauperis*, filed his Second Amended Complaint on July 22, 2020. (ECF No. 56). On July 29, 2020, Plaintiff filed an addendum to his Second Amended Complaint indicating that he wished to replace the relief requested in his Second Amended Complaint with the relief requested in the addendum. (ECF No. 57). By letter dated August 6, 2020, the served and represented Defendants<sup>1</sup> notified the Court that they would like to withdraw the Defendants' previously-filed motion to dismiss and that they intend to file a new pre-motion conference letter in anticipation of moving to dismiss Plaintiff's Second Amended Complaint. (ECF No. 59). Defendants did not oppose Plaintiff's request to replace the relief requested in his Second Amended Complaint.

Accordingly, the Court grants Defendants' request to withdraw their motion to dismiss and instructs the Clerk of Court to terminate the pending motion (ECF No. 36). Additionally, the Court directs Defendants to file a new pre-motion conference letter by October 9, 2020. Because Defendants have not opposed Plaintiff's request to replace the relief requested in Plaintiff's Second

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<sup>1</sup> Defendants Bernstein, Bentivegna, Korbkova, and Geer are currently represented by counsel. On June 24, 2020, the Court issued a supplemental order of service directing service of Defendants Mallozzi and Raffaele. (ECF No. 44). The Clerk of Court issued summonses on June 25, 2020, but Defendants Mallozzi and Raffaele have not yet been served. A second supplemental order of service, which will be filed separately, directs service on Defendants McKoy and Quick.

Amended Complaint, the Court grants Plaintiff's request to replace the relief requested in his Second Amended Complaint with the relief requested in ECF No. 57.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and to terminate ECF No. 59.

SO ORDERED.

Dated: August 11, 2020  
New York, New York

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PHILIP M. HALPERN  
United States District Judge